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MAR 06 2008

U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WASHINGTON

In re:

JIMMY D. CATES and MARY E. CATES,  
husband and wife,  
Debtors.

) NO. 07-01180-JAR12  
) FINDINGS OF FACT AND  
) CONCLUSIONS OF LAW  
)  
\_\_\_\_\_

THIS MATTER having come on regularly for hearing before the Honorable John A. Rossmeissl, United States Bankruptcy Judge for the Eastern District of Washington, by telephone conference on March 6, 2008, Debtors appearing by and through their attorney JAMES P. HURLEY of Hurley & Lara, the Chapter 12 Trustee FORD ELSAESER appearing in person and by written report, Northwest Farm Credit Services appearing through THOMAS T. BASSETT of Kirkpatrick & Lockhart Preston Gates Ellis LLP, the Internal Revenue Service appearing through Assistant General ROLF TANGVALD, Farm Service Agency appearing through Assistant Attorney General FRANK WILSON, and the Court having considered the testimony of Debtors, the exhibits and evidence in support of the Order Confirming the Chapter 12 Plan and the modifications thereto as represented by counsel for

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW  
Page 1-

HURLEY & LARA  
Attorneys at Law  
411 North 2nd Street  
Yakima, WA 98901  
(509)248-4282

1 the parties and as set forth in the proposed Order of Confirmation, the Court now makes the  
2 following:

4 **FINDINGS OF FACT**

5 1. The Plan complies with the provisions of Chapter 12 and with other applicable  
6 provisions of Title 11 U.S. Code;

8 2. Any fee, charge or amount required under Chapter 12 of Title 28, U.S. Code, or  
9 by the Plan, to be paid before confirmation has been paid;

11 3. The Plan has been proposed in good faith and not by any means forbidden by  
12 law;

13 4. The value, as of the effective date of the Plan, of the property to be distributed  
14 under the Plan on account of each allowed unsecured claim is not less than the amount that  
15 would be paid on such claim if the estate of the Debtors were liquidated under Chapter 7, Title  
16 11, U.S. Code, on such date;

19 5. The holder of each allowed secured claim has accepted the Plan subject to  
20 certain terms a set forth in the Order of Confirmation.

22 The Court having entered its Findings of Fact, now enters the following:

23 **CONCLUSIONS OF LAW**

25 1. The Plan complies with the provisions of Chapter 12 and with other applicable  
26 provisions of Title 11, U.S. Code; and

28 2. The court should confirm Debtors' Chapter 12 Plan as modified in the proposed

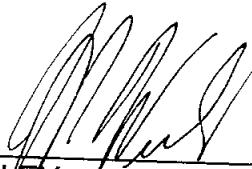
1 Order of Confirmation.

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5 Presented by:



6  
7 JAMES P. HURLEY WSBA #6615  
8 Attorney for Debtors  
9 411 N 2<sup>nd</sup> Street, Yakima WA 98901

10

11 Agreed to and Approved for Entry:

12

13

14 FORD ELSAESSER  
15 Chapter 12 Trustee

16

17 Agreed to and Approved for Entry:

18

19 THOMAS T. BASSETT WSBA #7244  
20 of Kirkpatrick & Lockhart Preston Gates Ellis LLP  
21 Attorneys for Northwest Farm Credit Service

22

23 Agreed to and Approved for Entry:

24

25

26 ROLF TANGVALD  
27 Attorney for the Internal Revenue Service

28

29

30 FINDINGS OF FACT AND  
CONCLUSIONS OF LAW  
Page 3-

HURLEY & LARA  
Attorneys at Law  
411 North 2nd Street  
Yakima, WA 98901  
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1 Agreed to and Approved for Entry:  
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4

FRANK WILSON  
Attorney for the Farm Service Agency

10  
11 Done this 6th day of March 2008  
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14

*J. A. Wilson  
Banks & Judd*

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30 FINDINGS OF FACT AND  
CONCLUSIONS OF LAW  
Page 4-

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